

1 LAUREEN P. FRISTER, ESQ.  
Nevada Bar No. 13217  
2 [Laureen.Frister@lewisbrisbois.com](mailto:Laureen.Frister@lewisbrisbois.com)  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
3 6385 S. Rainbow Boulevard, Suite 600  
Las Vegas, Nevada 89118  
4 Telephone: 702.893.3383  
Facsimile: 702.893.3789  
5 *Attorney for Defendants Byers Industrial  
Services, LLC and Gavin Andrew Payne*

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 PAUL L. DEPIERRO, an individual; and  
9 FRANCES ELLEN STELLA,  
individually,

10 Plaintiffs,

11 vs.

12 BYERS INDUSTRIAL SERVICES,  
LLC., a Foreign Limited Liability  
13 Company; GAVIN ANDREW PAYNE,  
an individual; DOES 1 through 20;  
14 ROES Corporations 1 through 10 and  
ROE Domestic Corporations, 1 through  
15 10, inclusive,  
16 Defendants.

CASE NO.: 2:22-cv-02053-ART-MDC

STIPULATION AND ORDER TO EXTEND THE  
DEADLINE TO FILE THE JOINT PRETRIAL  
ORDER

(FOURTH REQUEST)

17 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel  
18 of record, hereby stipulate and request that this Court extend the deadline to file the Joint  
19 Pretrial Order in the above-captioned case by one hundred twenty (120) days from  
20 February 12, 2024 to June 12, 2025.

21 This Request for an extension of time is not sought for any improper purpose or  
22 other purpose of delay. This request for extension is based upon the following:

23 First, the parties previously agreed to conduct the deposition of Plaintiffs' surgeon,  
24 Michael Elkanich, M.D. after the close of discovery. Defendants properly noticed and set  
25 Dr. Elkanich's deposition for January 25, 2025. Pursuant to a Subpoena, Dr. Elkanich was  
26 to provide his entire job file in advance of the deposition, and no later than January 13,  
27 2025. On January 16, 2025, Dr. Elkanich's deposition was vacated as he failed to provide  
28

his job file in compliance with the Subpoena. Additional time is needed to obtain Dr. Elkanich's job file and conduct his deposition.

Second, Plaintiff Paul L. DePierro ("DePierro") and Plaintiff Frances Ellen Stella ("Stella") (collectively "Plaintiffs") have decided to proceed with surgery with Dr. Elkanich. Additional time is needed to allow Plaintiffs to undergo and recover from surgery. Moreover, additional time is needed to allow Defendants to obtain records of their recent and upcoming treatment.

Third, the parties have agreed to attend a second mediation with the Hon. Jackie Glass (Ret.) on May 30, 2025. In light of mediation and to conserve costs, the parties seek additional time to submit their Joint Pretrial Order.

Moreover, DePierro and Stella have been recommended to undergo cervical and lumbar surgeries. DePierro was preparing to undergo the cervical surgery but Stella now requires a knee surgery, which is currently scheduled for March 28, 2025. DePierro is holding off on his surgery to care for Stella as she recovers from knee surgery.

WHEREFORE, the parties respectfully request that this Court extend the time for the parties to file the Joint Pretrial Order by one hundred twenty (120) days from February 12, 2024 to June 12, 2025.

DATED this 28<sup>th</sup> day of March, 2025.

PACIFIC WEST INJURY LAW

/s/ Kirill Mikhaylov

KIRILL MIKHAYLOV, ESQ.

Nevada Bar No. 13538

*Attorney for Plaintiffs*

DATED this 28<sup>th</sup> day of March, 2025.

LEWIS BRISBOIS BISGAARD &  
SMITH LLP

/s/ Laureen P. Frister

LAUREEN P. FRISTER, ESQ.

Nevada Bar No. 13217

*Attorney for Defendants*

**ORDER**

**IT IS SO ORDERED.**

Dated 4-1-25.

UNITED STATES MAGISTRATE JUDGE

1 Respectfully submitted by:  
2 LEWIS BRISBOIS BISGAARD & SMITH LLP

3  
4 /s/ Laureen P. Frister  
LAUREEN P. FRISTER, ESQ.  
5 Nevada Bar No. 13217  
*Attorney for Defendants*  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28